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REMARKS

Claims 1-7 are currently under consideration in this case. The September 11, 2007, Office action rejected claims 1-7 under 35 USC 101 as claiming the same invention as claims 1-6 of prior U.S. Patent No. 6,966,301. In view of the remarks presented in this paper, reconsideration of the application is respectfully requested.

In the September 11, 2007, Office action, the Examiner recognized that 35 USC 101 prohibits the granting of more than one patent for the "same invention," which means an invention drawn to "identical subject matter." For the following reasons, reconsideration and withdrawal of these §101 rejections are respectfully requested.

Applicants respectfully submit that the claims of the present application are not drawn to the same invention as prior U.S. Patent No. 6,966,301; the claims of the present application are drawn to subject matter that is not identical to prior U.S. Patent No. 6,966,301. More specifically, each claim of the present application differs from each claim of prior U.S. Patent No. 6,966,301.

Claim 1 of prior U.S. Patent No. 6,966,301 claims "An accumulator fuel system for an internal combustion engine having a plurality of engine cylinders, the fuel system including: a plurality of injectors, each of which is arranged to deliver fuel to an associated one of the engine cylinders; a rocker shaft upon which a plurality of rocker members are pivotally mounted, wherein one rocker member is arranged to control one or more inlet and/or exhaust valves of an associated engine cylinder; an accumulator fuel volume integrated within the rocker shaft for supplying high pressure fuel to the plurality of injectors; wherein the accumulator fuel volume is arranged to supply fuel at a first pressure level to the plurality of injectors and wherein each injector is associated with a pumping element for pressurising fuel to a second pressure level which is higher than the first pressure level said pumping element driven by another rocker member." (emphasis added).

Contrariwise, claim 1 of the present application recites "An accumulator fuel system for an internal combustion engine having a plurality of engine cylinders, the fuel system comprising: a plurality of injectors, each of which is arranged to supply fuel to an associated one of the engine cylinders, a rocker shaft upon which a rocker member is pivotally mounted, wherein the rocker member is arranged to control one or more inlet and/or exhaust

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valves of an associated engine cylinder, an accumulator fuel volume integrated within the rocker shaft for supplying high pressure fuel to one or more of the plurality of injectors, wherein the accumulator fuel volume is arranged to supply fuel at a first pressure level to one or more of the plurality of injectors and wherein each injector includes a pumping element for pressurising fuel to a second pressure level higher than the first pressure level.” (emphasis added). While claims 1-4 of prior U.S. Patent No. 6,966,301 require that a plurality of rocker members be pivotally mounted upon its rocker shaft, claims 1-6 of the present application require that only a rocker member be pivotally mounted (i.e., reading literally on a single rocker member). Claims 1-4 of prior U.S. Patent No. 6,966,301 do not. In addition, while claims 1-4 of prior U.S. Patent No. 6,966,301 require that high pressure fuel be supplied to the plurality of injectors and that each injector is associated with a pumping element, claims 1-6 of the present application allow that high pressure fuel be supplied to one or more of the plurality of injectors, and claims 1-6 require that each injector includes a pumping element. Further still, while claims 1-4 of prior U.S. Patent No. 6,966,301 require that the pumping element be driven by another rocker member, claims 1-6 of the present application do not recite any such requirement. Thus, each of claims 1-6 of the present application are drawn to subject matter that is not identical to any of claims 1-4 of prior U.S. Patent No. 6,966,301.

Claims 1-6 of the present application require that the fuel system comprise a plurality of injectors. Claim 5 of prior U.S. Patent No. 6,966,301, however, is satisfied when a fuel system comprises at least one injector. Claims 1-6 require that the accumulator fuel volume be integrated within the rocker shaft. Accordingly, claims 1-6 of the present application are drawn to subject matter that is not identical to claim 5 of prior U.S. Patent No. 6,966,301.

Claims 5 and 6 of prior U.S. Patent No. 6,966,301 require that a fuel system comprises at least one injector, which reads literally on a single injector. Claims 1-6 of the present application, however, require that the fuel system comprise a plurality of injectors, which does not read literally on a single injector. Claims 5 and 6 of prior U.S. Patent No. 6,966,301 require additional pumping elements driven by a respective rocker member. Claims 1-6 of the present application, however, do not recite any requirements constraining how any pumping elements are to be driven. Accordingly, claims 1-6 of the present

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application are drawn to subject matter that is not identical to either claim 5 or claim 6 of prior U.S. Patent No. 6,966,301.

As mentioned above, claims 1- 6 of prior U.S. Patent No. 6,966,301 all recite varying requirements directed to how a pumping element is to be driven. For example, claims 1-4 of prior U.S. Patent No. 6,966,301 require that the pumping element be driven by another rocker member. Claims 5 and 6 of prior U.S. Patent No. 6,966,301 require that the pumping element be driven by a respective rocker member. Contrariwise, claim 7 of the present application does not impose any requirement regarding how a pumping element is to be driven. Accordingly, claim 7 of the present application is drawn to subject matter that is not identical to any of claims 1-6 of prior U.S. Patent No. 6,966,301.

Reconsideration and withdrawal of these rejections of claims 1-7 are requested.

CONCLUSION

In view of the foregoing, Applicant requests the withdrawal of the rejections of claims 1-7. Reconsideration of the application and allowance of all pending claims is earnestly solicited. Accordingly, the Examiner is requested to reconsider and allow all of the pending claims and pass the case to issue. Should the Examiner wish to discuss any of the above in greater detail or deem that further amendments should be made to improve the form of the claims, the Examiner is invited to contact the undersigned at the Examiner's convenience.

Please charge any necessary fees, including any extension of time, or any other fee deficiencies to Delphi Technologies, Inc., Deposit Account No. 50-0831.

Respectfully submitted,

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